

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## In re Application of Raymond Carter

Serial No. Unknown

$$\begin{array}{c} ) ( \\ ) ( \\ ) ( \\ ) ( \\ ) ( \\ ) ( \end{array}$$

Group Art Unit: Unknown

Examiner: Unknown

For: Water Activated Chiming Device

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## CITATION OF PRIOR ART

## The Commissioner of Patents and Trademarks

Dear Sir:

Pursuant to 37 CFR Sections 1.56, 1.97 and 1.98, the undersigned attorney for the applicant advises the U. S. Patent and Trademark Office of the references known to applicant as set forth in form PTO/SB/08A attached hereto and made a part hereof.

None of the prior art disclosed by applicant suggests or discloses a water activated chime that includes an adjustably suspended element that is excited by the upward flow of water, causing the

element to impact with a configuration of tuned chimes to produce tones of random sequence and degree. In other words, according to the present invention, the excitable element and the striker are one and the same. The prior art devices using tuned chimes require two separate elements: an excitable means, usually a wind catcher, and a striker that is agitated by the excitable means to impact with a configuration of surrounding chimes.

Specifically, U.S. Patent No. 6,441,248 uses an upward air current against a sail at the termination of a pendulum having an overhanging striker as an integral part of the pendulum. The action of the air current against the sail causes lateral motion of the pendulum so that the overhanging striker impacts with the surrounding chimes or resonating elements to produce tones of random sequence and degree. The upward current of air is produced by a motor driven fan.

U.S. Design Patent 370,183 discloses a ball suspended from a circular plate including a disk-like object in the suspension means over the ball as shown therein. One of ordinary skill in the art is left to speculate only as to what this reference can suggest, other than its ornamental value. Perhaps, at best, there is the two-element system of the prior art: an excitable object and the overhead striker integrated with a suspension means; however, this reference fails to suggest or disclose that the ball is excited to motion by any means, let alone upward flowing water of the present invention, in order to activate the striker.

U.S. Patent No. 6,417,763 uses gravity flow to activate an assortment of bell-like resonating elements. Water flows down a series of tiers exciting the resonating elements or bells that strike *each other* at random. In another embodiment of this patent, the chimes are excited by a magnetic field about a center post causing the chimes to impact with the post. Neither a striker nor an excited element that motivates a striker is disclosed. The chimes *themselves* are excited to impact with each other or the

magnetic post. For these reasons this patent is even further removed from the present invention.

U. S. Patent No. 4,949,385 uses a configuration of horizontally disposed chimes mounted on a bracket attached to the outside of a building. The chimes capture the impact of falling rain that motivates the chimes producing pleasing tones outdoors. There is no suggestion or disclosure of an excited object and a striker being one and the same. This patent is well removed from the present invention because the *rainwater* impacts with the chimes to produce tones of random sequence. No integrated excitable object and striker acting as one and the same for impacting with surrounding chimes is suggested or disclosed.

U.S. Patent No. 4,627,326 discloses a musical faucet. Water flowing under pressure through a conduit activates a water wheel in the conduit causing a rotating drum to strike a musical comb containing a selected number of tuned tines. This patent does not suggest or disclose impacting the rotating drum with a configuration of chimes to produce tones of random sequence and degree and, as such, cannot suggest or disclose the present invention.

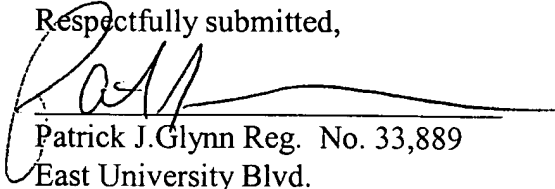
U.S. Patent No. 6,166,310 discloses a water activated chiming device wherein a clapper floats on a stream of water spiraling upward out of an open upper end of a vertical pipe so that the clapper is randomly turned and moved laterally by the water to strike adjacent chime elements. There is no suggestion or disclosure of a freely suspended striker that can be raised or lowered as according to the present invention; nor is there a random upward flow of water. On the contrary, the water is directed in a pathway to a spiral flow. The striker floats on the water stream rather than suspended freely.

Importantly, there is also no suggestion or disclosure in the references disclosed by Applicant of the adjustable suspension means of the present invention in order to raise or lower the striker relative to the upward flow of water for modulating the degree and frequency of random striking with chimes..

No discussion of the remaining references of record are deemed necessary because they

are further removed from the present invention than the above references.

Respectfully submitted,



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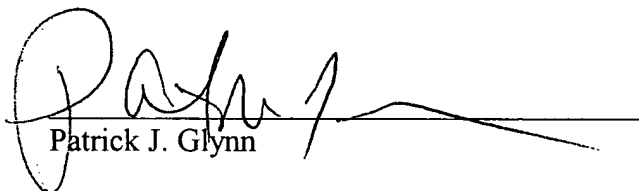
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CERTIFICATE OF MAILING

I hereby certify that the above-noted paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Patent Application, Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 *ON March 22, 2004*



Patrick J. Glynn